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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by the Asian Legal Resource Centre, a non-governmental organization in general consultative status

The Secretary-General has received the following written statement, which is hereby circulated in accordance with Economic and Social Council resolution 1996/31.

[2 February 2018]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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PAKISTAN: Rising violence against children

The Asian Legal Resource Centre (ALRC) would like to draw the UN Human Rights Council's attention to the rise in violence against children in Pakistan. The Realization of Children's Rights Index has ranked Pakistan as 159 out of 196 countries in the world in terms of child mortality, health and education facilities, and protection of child rights. Pakistan's collective morality was recently shaken to its core by the rape and murder of a seven year old girl Zainab, from Kasur District in Punjab Province. The brutal murder initiated a public debate on the sensitive issue of child sexual abuse, which is increasing in frequency, and not confined to any economic class. On 31 October 2017, a 16-year-old girl was paraded naked on the orders of a Jirga in DI Khan Area of Khyber Pakhtunkhwa province. She was made to suffer this 'punishment' because of her brother's relationship with a girl. In District Bhalwal, Punjab Province, a seven year old school girl was kidnapped and later her dead body was found in a field. In Sheikhupura District, an eight year old girl Baleeha, was kidnapped on December 23 and her dead body was found in a gunny bag on 4 January 2018. In Tasawarabad area of Sargodha District, a 15-year-old girl was found murdered.

Pakistan's worst child abuse scandal was unearthed in 2015, in Kasur District: more than 200 children were filmed while being sexually abused from 2009 onwards. The gang responsible for these pornographic videos is yet to be indicted; in fact, due to Pakistan's weak prosecution and investigation system, the culprits were given the benefit of the doubt, and the anti-terrorism court acquitted four suspects in August 2017. The delay in adopting policy measures to ensure the protection of children from all forms of abuse and exploitation has made matters worse.

Kasur District has become the hub of child sexual abuse in Pakistan, with over 700 cases of child sexual abuse being reported since 2015. In 2017, 129 child assault cases were reported from Kasur, yet hundreds more go unreported due to the shame and taboo associated with the issue, as well as victims' reluctance to take the matter to the police. According to official records, the crime against children including kidnapping, rape and murder has soared by 30% in 2017 compared to 2016. Moreover, statistics compiled by different NGOs show that 11 children are raped every day.

Pakistan's ineffective and inept justice system has failed to give even minor punishments to sex offenders. It is the responsibility of the Courts to levy correct punishments on those accused. Compromises in cases of the murder of underage children should not be allowed. Though medical evidence is against the accused in almost all cases, these are overlooked by the lower courts. The sickening trend of bribes is so rampant, that not even the aggrieved family of the murdered child is spared. Zainab's uncle for instance, was asked to pay Rs 10,000 to the police officer who found her dead body dumped in the garbage for successfully "locating" Zainab. The State's omission to act is criminal, and against the provisions of Article 35 of the Constitution. Despite the ratification of the UN Convention on the Rights of the Child, Pakistan has remained off-track on various Millennium Development Goal indicators, including those related to education, maternal health and infant mortality. Since the 18th Amendment of the Constitution, child protection has become the sole purview of the Provinces. The Provincial Governments have failed to enact Provincial Laws to ensure the protection of children however, exacerbating the state of children in the country.

Children in Pakistan are not only denied their basic right to a life of dignity, but are also denied their most fundamental right- the right to education. The official figure of out of school children paints a gloomy picture, calling out for emergency measures. According to data from the Ministry of Federal Education and Professional Training , as many as 44 percent of children between the ages of five and 16 are out of school. Of these, the majority are girls as the family deems girls' education a waste of money and a burden on the already precarious financial condition.

In terms of health, many Pakistani children do not live to see their fifth birthday. According to UNICEF, Pakistan tops the list in child mortality rate among South Asian countries. Pakistan loses 90, 000 children at the age of 5 to pneumonia annually.

Pakistan remains in the third spot with its prevalence of child and forced labour. Child labour continues unabated in the country, due to conflicting laws and lack of political will. Pakistan was ranked third on the Global Slavery Index 2016, for the second time in a row, with an estimated 2,134,900 people trapped in slavery. Meanwhile, although the International Labour Organization reports a decline throughout the world in the number of underage workers. Pakistan has no comprehensive child labour law, but the Constitution under articles 3, 11(3), 25(3) and 35 prohibits employment

of underage children, while stipulating that the rights of the child shall be protected by the state. Further, Article 37(e) stipulates that the state shall "make provision for securing just and humane conditions of work, ensuring that children and women are not employed in vocations unsuited to their age or sex". Pakistan has ratified the UN Convention on the Rights of the Child in 1990, but has not enacted any enabling legislation since then, to make its provisions into domestic law. For this reason, the Convention cannot be directly applied in the courts.

In light of the above, the ALRC recommends that the government of Pakistan:

a) Strengthen its efforts to ensure that child rights are appropriately integrated, consistently interpreted and applied in all legislative, administrative and judicial proceedings and decisions, and in all policies, programmes and projects that are relevant to, and have an impact on, children.

b) Ensure that provincial governments establish a Child Safety Cell in every district. There is a dire need for a Provincial Action Plan to protect children from torture, abuse and violence. The provinces should also set up an effective awareness campaign for the protection of children, and introduce new legislation to protect children and other vulnerable groups.

c) Formulate policies and laws to eliminate child labour, and take cohesive and concrete steps to work towards ending poverty. The state must realize that child labor and poverty are inevitably bound together. If children continue to be used as a treatment for the social disease of poverty, the country will not be able to eradicate either poverty or child labor. The state must also ensure that while eliminating child labor from the export industry, it must also eliminate it from the informal sector, which, being invisible to public scrutiny, leaves the children more open to abuse and exploitation.